IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 23173 of 2003

Between:

Somdatt Builders Limited, rep.by its Senior Finance Manager,

Mr. Sudhir Kumar,56-58, Community Centre, East of Kailash,

New Delhi - 110 065.

..... PETITIONER

AND

The Regional Transport Officer, Ongole, Prakasam District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate writ or order or direction declaring the action of the respondent in withholding the registration certificates of the 20 vehicles of the petitioner (as per the list annexed) as arbitrary, illegal and without jurisdiction and consequently direct the respondent to release the original Registration Certificates forthwith and to pass

Counsel for the Petitioner:MR.P.GIRISH KUMAR

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court made the following :

O R D E R:

Heard the learned counsel for the parties. The matter is disposed of at this stage as the pleadings are complete.

The only grievance of the petitioner in this writ petition is that the respondent has withheld the registration certificates of 20 vehicles of the petitioner, which is illegal and without any authority of law.

Counter has been filed. We have seen the counter in which it is stated that the Commercial Tax Officer, Markapuram issued a notice to the writ petitioner directing him to pay an amount of Rs.23,45,210/- on 19-05-2003 towards entry tax. Since the amounts were not paid and pending realization of the amount towards the entry tax, the original registration certificates of the vehicles were detained with a view to realize the amounts. Obviously, this is coercion being employed by the State Commercial Tax authorities in collusion with the transport officials. The counsel has not been able to show any provision either in the General Sales Tax Act or in the A.P. Motor Vehicles Taxation Act by which they could adopt the said method of realization of Tax. If the petitioner has to pay amounts towards the realization of the entry tax, the Commercial Tax Officer has plenty of powers under the relevant law to realize those amounts. Since registration certificates have been detained by the

Regional Transport Officer, Ongole, Prakasham District, without any authority of law, we allow this writ petition and direct that the registration certificates be handed over to the petitioner immediately.

Accordingly, the writ petition is allowed. No costs.

(BILAL NAZKI, J)

20-07-2004.

mjl/* (S.ANANDA REDDY, J)

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Tuesday the twentieth day of July, Two thousand four.

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.The Regional Transport Officer, Ongole, Prakasam District.

2. 2 CCs to G.P. for Transport, High Court of A.P.Hyderabad.

3. 2 CD copies.